

IN SENATE OF THE UNITED STATES,

DECEMBER 16, 1823.

*Ordered*, That the resolutions, of the last and present session, proposing amendments to the Constitution of the United States, be printed for the use of the Senate.

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IN SENATE OF THE UNITED STATES,

January 10, 1823.

Agreeably to notice given, Mr. TAYLOR, of Va. asked and obtained leave to introduce the following resolution, which was read, and passed to the second reading.

*A Resolution proposing an amendment to the Constitution of the United States, as it respects the election of the President and Vice President of the United States.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring*, That the following amendment of the Constitution of the United States be proposed to the legislatures of the several states.

“ The electors of a President and Vice President shall meet on the \_\_\_\_\_ day of \_\_\_\_\_ next preceding the expiration of the time for which the existing President may have been appointed, vote for a President and Vice President, according to the Constitution, and make two lists of all persons voted for, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, within \_\_\_\_\_ days thereafter, to be opened and examined by him; and, if it shall appear that no person has received the votes of a majority of the electors appointed, the President of the United States shall, forthwith, by proclamation, and also by notifications to the Executives of each state, publish the number of votes given to each person as President, whereupon the said electors shall again meet on the \_\_\_\_\_ day of \_\_\_\_\_ next succeeding their first meeting, and vote for one of the two persons as President who shall have received at their first meeting the greatest number of votes for that office; or, if it should happen that more persons than two should have received the greatest number, and also an equal number of votes, the said electors shall vote for one of

them as President. The said electors shall transmit one of the lists to be made at their first meeting, and also that to be made at their second, should it take place, to be proceeded upon as the Constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said electors shall be the President. But, if two or more persons shall have received the greatest and an equal number of votes, at the second meeting of the said electors, the House of Representatives shall choose one of them for President, in the mode prescribed by the Constitution."

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IN SENATE OF THE UNITED STATES,

January 28, 1823.

MR. TAYLOR, of Virginia, from the Committee to which was referred a resolution proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States, reported the following new draft as a substitute therefor; which was read, and ordered to be printed for the use of the Senate.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the legislatures of the several states, which, when ratified by three-fourths thereof, shall be a part of the said Constitution:*

"The electors of a President and Vice President shall meet on the \_\_\_\_\_ day of \_\_\_\_\_ next preceding the expiration of the time for which the existing President may have been appointed; vote for a President and Vice President, and make two lists of the persons voted for to fill each office, to be signed and certified by them; one to be delivered, sealed, to the President of the United States, or, if there is no President, to the person exercising the powers of the said office, within \_\_\_\_\_ days thereafter, to be opened and examined by him; and if it shall appear that no person has received the votes of a majority of the electors appointed, the President of the United States, or the person exercising the powers of the said office, shall, forthwith, by proclamation, and by notifications to the Executives of each state, publish the number of votes given to each person as President; whereupon, the said electors shall again meet on the \_\_\_\_\_ day of \_\_\_\_\_ next succeeding their first meeting, and vote for one of the two persons, as President, who shall have received the greatest number of votes for that office, at their first meeting; or, if it should happen that more

persons than two shall have received the greatest number, and also an equal number of votes, the said electors shall vote for one of them as President. The said electors shall transmit the other list of votes for a President and Vice President, at their first meeting, and also the list of the votes for a President, at their second meeting, if it should take place, to the seat of government of the United States, signed and certified, under seal, directed to the President of the Senate, who shall open the said lists, in the presence of the Senate and House of Representatives; and, if it shall appear that any person has been duly elected President of the United States, according to the Constitution, such person shall be the President; if not, and it shall appear that any person shall have received the greatest number and also a majority of the votes of the said electors, at their second meeting, he shall be the President. But, if it shall happen that no person is duly elected President of the United States, either at the first or second meeting of the said electors, then the Senate and House of Representatives shall immediately, by ballot, each member of both Houses giving one vote, proceed to elect a President from the persons duly voted for at the second meeting of the said electors. A majority of all the members present at the said joint meeting of the Senate and House of Representatives shall be necessary to a choice of the President of the United States, on the first ballot; after which, a plurality of the said votes shall decide the election. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed; and if no person shall have such majority, then, from the two highest numbers on the list, the Senate shall choose the Vice President, as provided for by the Constitution."

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IN SENATE OF THE UNITED STATES,

December 11, 1823.

Agreeably to notice, Mr. BENTON asked and obtained leave to introduce the following resolution; which was read, and passed to the second reading.

*A Resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the*

United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the whole number of States, shall be valid, to all intents and purposes, as part of the said Constitution:

“That, for the purpose of electing a President and Vice President of the United States, each State shall be divided, by the Legislature thereof, into a number of districts, equal to the whole number of Senators and Representatives to which such State may be entitled in the Congress: each district shall be composed of contiguous territory, and shall contain, as nearly as may be, an equal number of persons entitled by the Constitution to be represented; and, on such days as Congress shall determine, which days shall be the same throughout the United States, the citizens of each State, who may be qualified to vote for a Representative in Congress, shall meet, at such places within their respective districts as the Legislature of each State shall appoint; and each, in his proper person, shall vote for President and Vice President, one of whom, at the least, shall not be an inhabitant of the same State with himself; and separate triplicate lists shall be kept of all the voters, and of all the votes given for each person as President, and for each as Vice President. All the votes so given in each district shall be collected forthwith, in such manner as the Legislature of the State may direct, at some one convenient place within the district; and the votes given for each candidate shall be added together, and the person having the greatest number of votes for President, and the one having the greatest number of votes for Vice President, shall be certified as duly preferred in said district; and shall be entitled to one vote each for the respective offices for which they are candidates; but, if two or more persons shall have an equal number of votes in such district election, for the same office, then the returning officers shall decide between them, and certify accordingly. Triplicate certificates of the whole number of votes given for each candidate shall be made out, and transmitted, in such manner as the Congress may direct, to the seat of the government of the United States, addressed to the President of the Senate. The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be equal to a majority of the whole number of electoral districts within the United States; and if no person have such majority, then the President shall be chosen by the House of Representatives, from the three having the greatest number of votes for President, in the manner now prescribed by the Constitution. The person having the greatest number of votes for Vice President shall be the Vice President, if such number be equal to a majority of the whole number of electoral districts; and if no person have such majority, then the Vice President shall be chosen by the Senate, from the two persons having the greatest number of votes for that office, in the manner now prescribed by the Constitution.”

## IN SENATE OF THE UNITED STATES,

December 15, 1823.

Agreeably to notice, Mr. HAYNE asked and obtained leave to introduce the following resolution, which was read, and passed to the second reading.

*A Resolution proposing an amendment to the Constitution of the United States, as it respects the election of President and Vice President of the United States.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of the said Constitution:*

*“If no person voted for, according to the Constitution, as President of the United States, shall have a majority of the votes of the whole number of Electors, then the President of the United States shall forthwith issue his proclamation, calling upon the Electors to convene at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ thereafter, for the purpose of choosing a President. That the Electors, when so convened, shall choose, immediately, by ballot, a President of the United States; and a majority of the whole number of Electors shall be necessary to a choice. And, should no person voted for, according to the Constitution, as Vice President of the United States, have a majority of the votes of the whole number of Electors, then the President of the United States shall, forthwith, issue his proclamation, calling upon the Electors to convene at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ thereafter, for the purpose of choosing a Vice President: That the Electors, when so convened, shall choose immediately, by ballot, a Vice President of the United States; and a majority of the whole number of Electors shall be necessary to a choice.”*

## IN SENATE OF THE UNITED STATES,

December 16, 1823.

Agreeably to notice, Mr. DICKERSON asked and obtained leave to introduce the following resolution, which was twice read, and referred to a select committee.

*A Resolution proposing an amendment to the Constitution of the United States, as it respects the choice of Representatives in the Congress of the United States, and the election of the President and Vice President of the United States.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several states; which, when ratified by the Legislatures of three-fourths of the states, shall be valid, to all intents and purposes, as part of the said Constitution :*

“That, for the purpose of choosing Representatives in the Congress of the United States, each state shall, by its Legislature, be divided into a number of districts, equal to the number of Representatives to which such state may be entitled. The districts shall be formed of contiguous territory, and contain, as nearly as may be, an equal number of persons entitled, by the Constitution, to be represented, or of persons qualified to vote for members of the most numerous branch of the state Legislature. In each district the persons qualified to vote shall choose one Representative.

“That, for the purpose of choosing electors of President and Vice President of the United States, the persons qualified to vote for Representatives, in each district, shall choose one elector; and, at the same time, the two additional electors to which each state is entitled, shall be chosen by the persons so qualified to vote, in such manner as the Legislature of the state shall direct. The electors, when convened at the time and place prescribed by law, for the purpose of voting for President and Vice President of the United States, shall have power, in case any of them shall fail to attend, to choose an elector or electors, in place of him or them so failing to attend. The division of states into districts, as hereby provided for, shall take place immediately after this amendment shall be adopted, and immediately after every future census and apportionment of Representatives under the same; and such districts shall not be altered until a subsequent census shall have been taken, and an apportionment of Representatives under it shall have been made.

“That, when the lists of all persons voted for as President and

Vice President, and the number of votes for each, shall have been transmitted to the seat of Government, as required by the Constitution, the Senate and House of Representatives shall form a joint meeting, in which the President of the Senate shall preside, who shall then open all the certificates, and the votes shall be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such a majority, then, from the highest numbers, not exceeding three, on the list of those voted for as President, the joint meeting shall, immediately, by ballot, choose the President. A majority of the votes of all the members present shall be necessary to a choice on the first ballot; after which, a plurality of votes only shall be necessary to a choice. The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of electors appointed: if no person have such majority, then he shall be chosen by the Senate, as directed by the Constitution.

“That no person, who has been twice elected President of the United States, shall again be eligible to that office.”

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#### IN SENATE OF THE UNITED STATES,

December 16, 1823.

Agreeably to notice, Mr. HOLMES, of Maine, asked and obtained leave to introduce the following resolution, which was read the first and second times, by unanimous consent, and referred to a select committee.

#### *Resolution proposing an amendment to the Constitution of the United States.*

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several states; which, when ratified by the Legislatures of three-fourths of the whole number of states, shall be valid, to all intents and purposes, as part of said constitution:*

“Questions of the validity of the election of President, shall be determined by the Senators and Representatives, in joint ballot. The President of the Senate shall preside; and a majority of each House shall constitute a quorum. The rules of proceeding shall be determined by law; but no rules shall have effect until two years after they shall have been made.”



IN SENATE OF THE UNITED STATES,

DECEMBER 29, 1823.

Agreeably to notice, Mr. MILLS asked and obtained leave to bring in the following resolution; which was read the first and second times, by unanimous consent, and referred to the Committee to which have been referred the several resolutions proposing amendments to the Constitution:

*A Resolution proposing an amendment to the Constitution of the United States, in respect to the election of a President and Vice President.*

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States; which, when ratified by the Legislatures of three-fourths of the States, shall be valid, to all intents and purposes, as part of said Constitution:*

The Electors shall meet in their respective States, and vote, by ballot, for two persons, of whom, one, at least, shall not be an inhabitant of the same State with themselves; and they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall, immediately, choose, by ballot, one of them for President; and if no person have a majority, then, from the five highest on the list, the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice President; but, if there should remain two or more who have equal votes, the Senate shall choose, from them, by ballot, the Vice President.

## IN SENATE OF THE UNITED STATES,

DECEMBER 29, 1823.

Agreeably to notice, Mr. VAN BUREN asked and obtained leave to bring in the following resolution, which was read the first and second time, by unanimous consent, and referred to the Select Committee to which were referred the several resolutions proposing amendments to the Constitution:

*Resolution proposing an amendment to the Constitution of the United States, in relation to the Election of President and Vice President of the United States.*

*Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both Houses concurring, That the following amendment to the Constitution of the United States be proposed to the Legislatures of the several States:*

The Electors of President and Vice President of the United States shall be chosen by the people of the several states in districts, equal in number to the number of Electors to which each state is entitled, to be composed of contiguous territory, and, as nearly as may be, equal in the number of persons to be represented, or of persons qualified to vote for members of the most numerous branch of the State Legislature. The qualification of the voters, at such election, shall be the same as is required of electors for the most numerous branch of the State Legislature. The Electors of President and Vice President, convened at the time and place appointed by law, for the purpose of giving in their votes, shall have power, in case any of them fail to attend, to choose an Elector, or Electors, in place of him, or them, so failing to attend. Congress may determine the time of choosing the Electors, the day, or days, on which they shall give their votes, which shall be the same throughout the United States. But the authority to divide the states into districts for the choice of Electors; to direct the election to be held; to prescribe the manner thereof, except as to the time of holding the same, and the qualifications of the voters; and the place of meeting of the Electors aforesaid, is reserved exclusively to the Legislatures of the several states.

If, upon counting the votes for President and Vice President, in the manner directed by the Constitution, it shall appear that no person has a majority of the whole number of the Electors chosen, it shall be the duty of the President of the Senate, forthwith, to notify the President of the United States thereof; who shall, immediately, by proclamation, and also by notification to the Executives of the

several states, publish the number of votes given to each person as President: Whereupon, the Electors shall again meet on the day which shall have been by law appointed for that purpose, with the like power of supplying vacancies, and vote for one of the two persons as President who shall have received, at the first meeting of the Electors, the greatest number of votes for such office; or, if it should happen that more than two persons have received the greatest, and also an equal number of votes, the said Electors shall vote for one of them as President. The said Electors shall, thereupon, transmit one of the lists, to be made at their first meeting, and, also, that made at their second meeting, signed and certified by them, to the seat of the Government of the United States, directed to the President of the Senate, to be proceeded upon as the Constitution has prescribed, except that the person having the greatest number of votes at the second meeting of the said Electors, shall be the President. But, if two or more persons shall have received the greatest and an equal number of votes at the second meeting of the said Electors, the House of Representatives shall choose one of them for President of the United States, as now prescribed by the Constitution.

